

LRCiv 3.6

REMOVAL TO FEDERAL COURT

(a) **Procedure.** A defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file a Notice of Removal, signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. The notice must contain an affirmative statement that a copy of the notice has been filed with the clerk of the state court from which the action or prosecution has been removed. In addition to submitting the civil cover sheet (AO Form JS-44), the removing party must also submit a "Supplemental Civil Cover Sheet for Cases Removed from Another Jurisdiction."

(b) **State Court Record.** The removing party must file copies of all pleadings and other documents that were previously filed with the state court, accompanied by a verification from the removing party or its counsel that they are true and complete copies of all pleadings and other documents filed in the state court proceeding. Unless the removing party files a motion requesting an extension of time for good cause, the state court record must be filed when the notice of removal is filed.

(c) **Pending Motions.** If a motion is pending and undecided in the state court at the time of removal, the Court need not consider the motion unless and until a party files and serves a notice of pending motion. The notice must: (1) identify the motion by the title that appears in its caption; (2) identify any responsive or reply memoranda filed in connection with the motion, along with any related papers, such as separately filed affidavits or statements of fact; and (3) state whether briefing on the motion is complete, and, if not, it must identify the memoranda or other papers yet to be filed.

(d) **Jury Trial Demand.** In a case removed from state

court, a party must comply with Federal Rule of Civil Procedure 81(c) to preserve any right to a trial by jury.